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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ, LORA SMITH, and) Case No. C-06-07339 CW
TOSHA THOMAS, individually and on behalf)
of a class of all other persons similarly situated,)

vs.) CIVIL LOCAL RULE 78.5(d)

K.M. INDUSTRIES HOLDING CO., INC.) CIVIL LOCAL RULE 79-5(d)

K-M INDUSTRIES HOLDING CO., INC.; K-M INDUSTRIES HOLDING CO., INC.

K-M INDUSTRIES HOLDING CO., INC.
ESOP PLAN COMMITTEE: WILLIAM E. COOPER

AND DESIRÉE B. MOORE REVOCABLE
TRUST; TRUSTEES OF THE WILLIAM E
)

TRUST, TRUSTS OF THE WILLIAM L.)
AND DESIREE B. MOORE REVOCABLE)

AND DESIGNATED. MORE REVOCABLE
TRUST: CIG ESOP PLAN COMMITTEE: }

NORTH STAR TRUST COMPANY:

DESIREE B. MOORE REVOCABLE TRUST;)

WILLIAM E. MOORE MARITAL TRUST;)

WILLIAM E. MOORE GENERATION-)

SKIPPING TRUST; and DESIREE MOORE,)

BOTH IN HER INDIVIDUAL CAPACITY)

AND AS TRUSTEE OF THE WILLIAM E.)
AND DEBORAH L. COOPER ENDOWMENT)
AND DEBORAH L. COOPER ENDOWMENT)

AND DESIREE B. MOORE REVOCABLE
TRUST'S SUCCESSOR TRUSTS NAMED)

TRUST'S SUCCESSOR TRUSTS NAMED }
ABOVE }
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ABOVE,

Descendants:)
)

1 Pursuant to Local Rules 7-11 and 79-5(d), Plaintiffs Thomas Fernandez, Lora Smith, and
2 Toshia Thomas hereby move this Court for an Order permitting Plaintiffs to file portions of their
3 Notice of Motion and Motion for Class Certification, Memorandum of Points and Authorities in
4 Support Thereof; and Declaration of Kirsten G. Scott in Support Thereof, with attached
5 documents, under seal. This application is made because Defendants designated certain
6 materials as "confidential" under the terms of the Stipulated Protective Order entered March 16,
7 2007 (Docket No. 29).

8 Plaintiffs have electronically filed redacted versions of the above-referenced documents.
9 Pursuant to Local Rule 79-5(d), Plaintiffs have also lodged unredacted versions of the above-
10 referenced documents, with the sealable portions of the documents properly highlighted, with the
11 Clerk of the Court. Plaintiffs have served Defendants with unredacted versions of the documents
12 by overnight mail.

13 Because the Defendants designated certain information and documents confidential, they
14 must lodge and serve a declaration and a proposed sealing order supporting this Motion within
15 five days. Civil Local Rule 79-5(d). Should Defendants fail to provide a declaration and
16 proposed sealing order within five days, the documents will be made public record in their
17 entirety. *Id.*

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20 Dated: May 29, 2008

Respectfully submitted,

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28 LEWIS, FEINBERG, LEE,
RENAKER & JACKSON, P.C.

By: /s/
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*Attorneys for Plaintiffs
and the Proposed Class*